

SENATE BILL No. 515

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-7-5.

Synopsis: Residential tenants' security deposits. Provides that a landlord who fails to comply with statutes relating to the return of a security deposit is liable to the tenant for two times the amount of the security deposit. (Under current law, the tenant may recover the amount of the security deposit.)

Effective: July 1, 1999.

Breaux

January 19, 1999, read first time and referred to Committee on Public Policy.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 515

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 32-7-5-12 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) Upon
3 termination of a rental agreement, all of the security deposit held by the
4 landlord shall be returned to the tenant, except for any amount applied
5 to:
6 (1) the payment of accrued rent;
7 (2) the amount of damages that the landlord has or will reasonably
8 suffer by reason of the tenant's noncompliance with law or the
9 rental agreement; and
10 (3) unpaid utility or sewer charges that the tenant is obligated to
11 pay under the rental agreement;
12 all as itemized by the landlord in a written notice delivered to the
13 tenant together with the amount due within forty-five (45) days after
14 termination of the rental agreement and delivery of possession. The
15 landlord is not liable under this chapter until supplied by the tenant in
16 writing with a mailing address to which to deliver the notice and
17 amount prescribed by this subsection. Unless otherwise agreed, the

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1 tenant is not entitled to apply a security deposit to rent.

2 (b) If the landlord fails to comply with subsection (a), the tenant
3 may recover all of the **following:**

4 **(1) Two (2) times the amount of the** security deposit. ~~due the~~
5 ~~tenant and~~

6 **(2)** Reasonable attorney's fees.

7 (c) This section does not preclude the landlord or tenant from
8 recovering other damages to which either is entitled.

9 (d) The owner of the dwelling unit at the time of the termination of
10 the rental agreement is bound by this section.

11 **SECTION 2. IC 32-7-5-16 IS AMENDED TO READ AS**
12 **FOLLOWS [EFFECTIVE JULY 1, 1999]:** Sec. 16. A landlord who
13 fails to provide a written statement within forty-five (45) days of
14 termination of the tenancy or the return of the appropriate security
15 deposit is liable to the tenant ~~in an~~ **for all of the following:**

16 **(1) Two (2) times the amount** ~~equal to the part of the security~~
17 ~~deposit. withheld by the landlord, plus~~

18 **(2)** Reasonable attorney's fees and court costs.

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